

Senate File 340 - Introduced

SENATE FILE 340

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 172)

A BILL FOR

1 An Act relating to the length of on-duty periods and required
2 rest periods for drivers of rail crew transport vehicles,
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.449A Rail crew transport
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is
4 designed to transport seven or more persons but fewer than
5 sixteen persons including the driver and is used to transport
6 railroad workers to or from their places of employment or
7 during the course of their employment is subject to the
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period
12 after having been on duty for fifteen hours following eight
13 consecutive hours of uninterrupted rest.

14 c. The driver shall not accept a call for service from the
15 driver's employer during a period of uninterrupted rest.

16 2. For purposes of this section, the following definitions
17 apply:

18 a. "*Employer*" means a railroad worker transportation
19 company, as defined in section 327F.39, for whom the driver
20 performs a service, either for wages or as an independent
21 contractor.

22 b. "*On duty*" means all time from the time a driver begins
23 work or is required to be ready to work until the time the
24 driver is relieved from work and all responsibility for
25 performing work, whether or not the driver is compensated for
26 all of the time. A driver may drive more than one assigned
27 trip, as long as the trip falls within the on-duty period. A
28 driver "*begins work*" when the driver enters a transport vehicle
29 to begin a trip assignment and is not "*relieved from work*" until
30 the driver has exited the transport vehicle for the final time.

31 c. "*Uninterrupted rest*" means that the employer shall not
32 communicate with the driver by telephone, pager, or in any
33 other manner that could reasonably be expected to disrupt the
34 driver's rest.

35 3. A person who violates this section commits a simple

1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 13, paragraph "b".

3 Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *0c.* "Driver" means a person who operates
6 a motor vehicle for the transportation of railroad workers in
7 the motor vehicle on behalf of a railroad worker transportation
8 company, whether the person is employed by the company for
9 wages or drives for the company as an independent contractor.

10 NEW PARAGRAPH. *0g.* "Railroad worker transportation
11 company" means a person, other than a railroad corporation,
12 organized for the purpose of or engaged in the business of
13 transporting, for hire, railroad workers to or from their
14 places of employment or in the course of their employment in
15 motor vehicles designed to carry seven or more persons but
16 fewer than sixteen persons including the driver.

17 Sec. 3. Section 327F.39, Code 2013, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. *Rest periods for drivers.*

20 *a.* A railroad worker transportation company shall not
21 require a driver to operate a motor vehicle in violation of
22 section 321.449A. A railroad worker transportation company
23 may require a period of uninterrupted rest for a driver at any
24 time. The period of uninterrupted rest shall not be less than
25 eight hours. A railroad worker transportation company shall
26 clearly communicate to a driver when a period of uninterrupted
27 rest is to begin.

28 *b.* A railroad company shall not require a driver to operate
29 a motor vehicle in violation of section 321.449A or this
30 subsection.

31 *c.* For purposes of this subsection, "uninterrupted rest" and
32 "on duty" mean the same as defined in section 321.449A.

33 Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended
34 to read as follows:

35 6. *Penalty.*

1 to disrupt the driver's rest.

2 A driver who violates the hours-of-service restrictions
3 commits a simple misdemeanor punishable by a scheduled fine
4 of \$50. This is the same penalty that currently applies for
5 hours-of-service violations by commercial vehicle operators.

6 The bill prohibits a railroad worker transportation company
7 from requiring a driver to operate a motor vehicle in violation
8 of the hours of service requirements established under the
9 bill. A railroad worker transportation company may require a
10 period of uninterrupted rest at any time. The minimum period
11 of uninterrupted rest shall be eight hours. The company is
12 required to clearly communicate to a driver when a period of
13 uninterrupted rest is to begin.

14 The bill provides that a violation of the provisions of the
15 bill by a railroad worker transportation company or a railroad
16 corporation is a schedule "one" penalty, subject to a fine of
17 \$100 under current law applicable to railroads.